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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,905

01/11/2005

Kazuyuki Hasegawa

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EXAMINER

RAABE, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

10/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,905

Applicant(s)

HASEGAWA ET AL.

Examiner

Christopher M. Raabe

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/06, 3/30/05, 1/11/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Slooten (USPN 6229582).

With regard to claim 1,

Van Slooten discloses in at least figure 2 and column 2, lines 50-68 a plasma display panel (PDP) comprising: a dielectric layer (36) covering a scan electrode and a sustain electrode (29s) both formed on a plate (38); and a protective layer (21) formed on the dielectric layer (36), wherein the protective layer (21) includes silicon (Si) and nitrogen (N).

With regard to claim 3,

Van Slooten discloses in at least figure 2 and column 2, lines 50-68 a method of manufacturing a plasma display panel (PDP), the method comprising the steps of: forming a dielectric layer (36) to cover a scan electrode and a sustain electrode (29s) both formed on a plate (38); and forming a protective layer (21) on the dielectric layer (36), wherein the step of forming the protective layer (21) is a process for forming a film that uses material of the protective layer (21), which material includes silicon (Si) and nitrogen (N).

With regard to claim 6,

Art Unit: 2879

Van Slooten discloses, in at least figure 2 and column2, lines 50-68 a material of a protective layer of a plasma display panel, wherein the protective layer (21) is formed on a dielectric layer which covers a scan electrode and a sustain electrode (29s) both formed on a plate (38), wherein the material includes silicon (Si) and nitrogen (N).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2,4,7,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Slooten (as above).

With regard to claim 2,

Van Slooten discloses the PDP as defined in claim 1, wherein the protective layer (21) is made of magnesium oxide (MgO) including Si and N. While Van Slooten does not disclose the concentration falling within the specific ranges claimed in claim 2, it has been held that where the general conditions of a claim are disclosed, it would be obvious to one of ordinary skill in the art to discover the optimum or workable ranges by routine experimentation.

With regard to claim 4,

Van Slooten discloses the method of manufacturing a PDP as defined in claim 3, wherein the material of the protective layer (21) is made of magnesium oxide (MgO) including Si and N. While Van Slooten does not disclose the concentration of the Si and N to fall within the specific ranges claimed in claim 4, it has been held that where the general conditions of a claim are disclosed, it would be obvious to one of ordinary skill in the art to discover the optimum or workable ranges by routine experimentation.

With regard to claim 5,

Van Slooten discloses the method of manufacturing a PDP as defined in claim 3, wherein the material of the protective layer (21) is made of magnesium oxide including silicon nitride. While Van Slooten does not disclose the concentration of silicon nitride to fall within the specific ranges claimed in claim 5, it has been held that where the general conditions of a claim are disclosed, it would be obvious to one of ordinary skill in the art to discover the optimum or workable ranges by routine experimentation.

With regard to claim 7,

Art Unit: 2879

Van Slooten discloses the material as defined in claim 6, wherein the material of the protective layer (21) is made of magnesium oxide (MgO) including Si and N. While Van Slooten does not disclose the concentration of the Si and N to fall within the specific ranges claimed in claim 7, it has been held that where the general conditions of a claim are disclosed, it would be obvious to one of ordinary skill in the art to discover the optimum or workable ranges by routine experimentation.

With regard to claim 8,

Van Slooten discloses the material as defined in claim 8, wherein the material of the protective layer (21) is made of magnesium oxide including silicon nitride. While Van Slooten does not disclose the concentration of silicon nitride to fall within the specific ranges claimed in claim 8, it has been held that where the general conditions of a claim are disclosed, it would be obvious to one of ordinary skill in the art to discover the optimum or workable ranges by routine experimentation.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 3976823, 6037713.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

Art Unit: 2879

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Peter Macchiarolo

Patent Examiner, Art Unit 2879

